

May 19, 2006

Dave Peeler, Water Quality Program Manager
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504

Dear Mr. Peeler:

Thank you for the opportunity to comment on the preliminary draft of Ecology's Phase I Municipal Stormwater NPDES Permit. The City of Tacoma has provided specific comments and edits to the draft permit with suggested language changes in the following attachments:

Attachment 1: Comment Summary for the Draft Permit.

Attachment 2: A marked up copy of the permit (using tracked-changes) showing detailed comments and proposed text changes to the permit language.

Attachment 3: Comments from Tacoma Water.

In addition, the following is an overview of our general comments concerning implementing the permit:

1. **Financial Impacts to the Public** – Implementing the permit as currently written has a significant financial impact on the City's Surface Water Utility. The City has achieved a balance in meeting the demands of the existing permit and other areas of need such as capital improvements (e.g. pipe replacement, flood control), operation and maintenance (pump stations, detention ponds, pipes and catch basins), and source control activities, along with other programs. The cost of the new permit requirements is substantial and will upset our current funding balance resulting in other programs not being fully funded. Funding can only be increased by raising utility rates something both the City Council and the public are not likely to support. We may be forced into cutting services in another area in order to comply with the additional permit requirements.

Additionally, other City departments will require new staff to comply with permit conditions. Their funding typically comes from the General Fund which was supported in large part by the car license tab tax. With the loss of car tab revenue the General Fund is forecasting an ongoing deficit. The City cannot support increasing staff without additional revenue sources.

2. **Monitoring** - The Permit is very prescriptive. The City of Tacoma's Surface Water program has been very successful in reducing pollutant loading to the Thea Foss using a combination of aggressive source control coupled with a very targeted monitoring program. The proposed outfall monitoring and BMP monitoring requirements will divert funding that would be used to continue our successful Foss program and

expand it into other parts of the City. We believe the new requirements will impair a program known to reduce pollution in order to generate additional information but not reduce pollution. The City estimates additional monitoring will cost approximately \$1 million per year and cause the City to raise utility rates by 5%. We urge Ecology to consider the costs of the proposed monitoring requirements relative to their impacts on existing programs and on their ability to actually lead to improved water quality.

3. **Interagency agreements** – Requirements are not clear as to what constitutes compliance and what is contractually required in these agreements. We foresee a substantial effort in staff time to develop these agreements with little actual benefit to water quality. The City believes its resources would be better spent on source control activities which have been demonstrated to improve water quality.
4. **Prescriptive** - The deadlines and language for 100% compliance creates a risk for the City by missing one element and therefore leaving an opportunity for third party lawsuits. The previous permit was more flexible and lead with a presumptive approach for compliance. This permit is too prescriptive and does not allow for new management approaches that might provide a better return on the public investment.
5. **Reporting** – The required reporting will cause the City to spend considerable staff time researching financial information to supply Ecology. We prefer to report our financial information in the manner established by our accounting division, which provides Ecology with a general, but adequate level of financial reporting. We do not believe more detailed financial reporting is needed and will only consume staff time and resources better spent on source control activities.

If you have any questions regarding the enclosed comments, please contact John Burk at 253-502-2103.

Sincerely,

James Parvey, P.E.
Public Works Division Manager
Science & Engineering Division

Cc: Ann Wessel, Dept. of Ecology
William L. Pugh, P.E.
Karen J. Larkin, P.E.
John Burk, P.E.